

shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about June 18 and 25, 1924, respectively, from the State of Kentucky into the State of Georgia, and on or about June 9, 1924, under the name of the Louisville Provision Co., from the State of Kentucky into the State of Louisiana, of quantities of butter which was misbranded. The article was labeled in part: (Package) "Sugar Creek Butter \* \* \* Full Weight One Pound \* \* \* Sugar Creek Creamery Co General Offices Danville Ills."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Full Weight One Pound," borne on the label, was false and misleading, in that the said statement represented that each of the said packages contained 1 pound full weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the packages contained 1 pound full weight of butter, whereas each of said packages did not contain 1 pound full weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 14, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

**14779. Adulteration and misbranding of cottonseed cake or meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. No. 19777. I. S. Nos. 345-x, 20877-x, 20878-x, 20879-x.)

On June 29, 1926, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chickasha Cotton Oil Co., a corporation, trading at Chickasha, Okla., alleging shipment by said company, in violation of the food and drugs act, from the State of Oklahoma into the State of Colorado, on or about March 4, 1925, in the name of the Hobart Cotton Oil Mill, from Hobart, Okla., and on or about October 24, 1925, in the name of the Frederick Cotton Oil Mill, from Frederick, Okla., of quantities of cottonseed cake or meal which was adulterated and misbranded. The article was labeled in part: "'Chickasha Prime' Cottonseed Cake or Meal \* \* \* Guaranteed Analysis: Protein not less than 43 per cent \* \* \* Chickasha Cotton Oil Co. Chickasha, Okla."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed 41.69 per cent, 38.96 per cent, 40.55 per cent, and 39.27 per cent, respectively, of protein.

Adulteration of the article was alleged in the information for the reason that a cottonseed substance having a protein content less than 43 per cent had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted for cottonseed cake or meal having a protein content not less than 43 per cent, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Guaranteed Analysis: Protein not less than 43 per cent," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas it did contain less than 43 per cent of protein.

On October 11, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

**14780. Misbranding of canned tuna fish. U. S. v. 56 Cases of Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18809. I. S. No. 12951-v. S. No. E-4852.)

On July 2, 1924, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 56 cases of canned tuna fish, remaining in the original unbroken

packages at Brooklyn, N. Y., alleging that the article had been shipped by the Curtis Corp., from Long Beach, Calif., on or about April 22, 1924, and transported from the State of California into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Curtis White Meat Tuna Net Contents 6½ Oz. \* \* \* Packed By The Curtis Corporation Long Beach, Cal."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Contents 6½ Oz.," borne on the label, was false and misleading and deceived and misled the purchaser.

On February 11, 1925, the Curtis Corp., Long Beach, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$650, conditioned that it be relabeled in part: "Slack Filled. Contents 4¾ Ounces Tuna Meat. Should Contain Not Less Than 5½ Ounces Tuna Meat. Contents Tuna And Oil 6½ Ounces."

W. M. JARDINE, *Secretary of Agriculture.*

**14781. Adulteration of butter. U. S. v. 194 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17647. I. S. No. 503-v. S. No. E-4445.)**

On July 19, 1923, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 194 tubs of butter, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Minnesota Cooperative Creamery Co., from Menahga, Minn., on or about June 23, 1923, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

On September 14, 1923, Mads Sondergaard, agent for the Minnesota Cooperative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,800, conditioned in part that it be reprocessed and reworked.

W. M. JARDINE, *Secretary of Agriculture.*

**14782. Adulteration of walnuts. U. S. v. 34 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17465. I. S. No. 340-v. S. No. E-4343.)**

On April 24, 1923, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 bags of walnuts in shell, at Brooklyn, N. Y., alleging that the article had been shipped by Argirios Nikoloulis, from Patras, Greece, on or about August 14, 1921, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*